

SPECIAL PROCEDURES SUBMISSION

Atty. Docket No. 4002-2533

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
Branch et al.) Examiner
Serial No. 09/870,023) Philogene
Filed May 30, 2001.)
INTERBODY FUSION GRAFTS) Group Art Unit
AND INSTRUMENTATION) 3731
Submitted
March 19, 2004

TD
4-20-04
#21/withdrawal
from
issue

PETITION FOR WITHDRAWAL FROM ISSUE UNDER 37 CFR §1.313(c)(2)
TO PERMIT CONSIDERATION OF AN INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned, attorney for the Applicant, hereby petitions that the above-captioned application be withdrawn from issue in favor of a Request for Continued Examination submitted under 37 CFR §1.114 filed concurrent with this petition.

1. The issue fee was paid on November 21, 2003.
2. It is believed that the patent will issue on or after March 23, 2004.

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents at 703-872-9306	
Facsimile Number March 19, 2004	
Date of Facsimile Transmission James B. Myers, Jr.	
Name of Registered Representative <i>James B. Myers, Jr.</i>	
Signature March 19, 2004	
Date of Signature	

SPECIAL PROCEDURES SUBMISSION

Atty. Docket No. 4002-2533

3. The undersigned files concurrent herewith:
- A. a Request for Continued Examination submitted under 37 CFR §1.114,
- and
- B. a fee transmittal sheet with authorization to charge the statutory fees for the current Petition under 37 CFR §1.17(h) and the Request for Continued Examination under 37 CFR §1.17(e).

4. Concurrent herewith March 19, 2004, the undersigned files separately from this submission an Information Disclosure Statement, the citation list, and copies of the references along with a Fee Transmittal sheet with authorization to charge the statutory fee under 37 CFR §1.17(p). A copy of the Information Disclosure Statement, citation list, and Fee Transmittal sheet are included with this submission.

Please charge any additional fees that may be due or credit any overpayment to Deposit Account 23-3030, but not to include the payment of any issue fees that are or may become due.

Additionally, the Examiner or the Commissioner is invited to contact the undersigned attorney by telephone if there are any questions about this submission or any matters that can be addressed in that fashion.

Respectfully submitted,

By: 

James B. Myers Jr., Reg. No. 42,021
Woodard, Emhardt, Moriarty, McNett & Henry LLP
3700 Bank One Center Tower
111 Monument Circle
Indianapolis, IN 46204-5137
(317) 713-4948